

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release Rule: Program Completion for Sentenced Offenders ACA: 4-JCF-3A-22; 3A-23; 3A-24; 3C-17; 5B-04; 5I-01, 5I-02 Statute(s): HR Code §§244.015 , 245.051 , 245.054 ; Education Code §30.106 ; Family Code §54.0491	Effective Date: 4/1/14 Page: 1 of 4 Replaces: GAP.380.8559, 9/1/10
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RULE

(a) Purpose.

The purpose of this rule is to establish criteria and the approval process for sentenced offender youth to qualify for release or transfer to parole by completing required programming.

(b) Applicability.

- (1) This rule applies only to sentenced offenders.
- (2) This rule does not apply to sentenced offenders who are:
 - (A) discharged due to expiration of the sentence or transferred to the Texas Department of Criminal Justice (TDCJ) by court order or by aging out of the Texas Juvenile Justice Department (TJJD). See [§380.8565](#) of this title; or
 - (B) adjudicated for capital murder. See [§380.8569](#) of this title.

(c) General Requirements.

- (1) A detainer or bench warrant is not an automatic bar to earned release. TJJD releases youth to authorities pursuant to a warrant.
- (2) To determine eligibility for release or transfer, TJJD reviews each youth's progress:
 - (A) six months after admission to TJJD;
 - (B) when the minimum period of confinement is complete;
 - (C) to determine eligibility/recommendation for transfer to TDCJ-Institutional Division (ID) or TDCJ-Parole Division (PD), on or before:
 - (i) 18 years of age and 18 years and six months of age for youth committed on or after June 9, 2007; or
 - (ii) 20 years of age and 20 years and six months of age for youth committed before June 9, 2007;
 - (D) within 45 days after revocation of parole, if applicable; and
 - (E) at other times as appropriate.
- (3) TJJD notifies the youth, the youth's parent/guardian, any designated advocate for the youth, and any identified victim(s) of a pending exit review/interview at least 30 days before the date of the review. The notification informs the recipients that they have the opportunity to submit written comments to TJJD. The notification also informs the parent/guardian and any identified victim(s) that they may present information in person during the youth's exit review process. Any information received from

a youth's family members, victims, local officials, staff, or the general public is considered by TJJD and included in the release/transfer packet.

- (4) Sentenced offenders must serve the entire minimum period of confinement applicable to their committing offense in high restriction facilities unless:
 - (A) the youth is transferred to TDCJ-ID by the committing court. See [§380.8565](#) of this title;
 - (B) the youth is approved by the committing court to attain parole status before completion of serving the minimum period of confinement;
 - (C) the youth's sentence expires before the minimum period of confinement expires; or
 - (D) the executive director waives such placement.

(d) **Program Completion Criteria.**

- (1) A sentenced offender may be considered for release or transfer from a high restriction facility when the following criteria have been met:
 - (A) no major rule violations confirmed through a Level I or II due process hearing within 90 days prior to the exit interview or during the approval process;
 - (B) participation in or completion of assigned specialized treatment programs or curriculum as required under [§380.8751](#) of this title;
 - (C) assignment by the multi-disciplinary team to the highest stage in the assigned rehabilitation program as described in [§380.8703](#) of this title, which reflects that the youth:
 - (i) is consistently participating in academic and workforce development programs commensurate with abilities as reflected in the youth's educational plan;
 - (ii) is consistently participating in skills development groups, as reflected in the youth's individual case plan;
 - (iii) is consistently demonstrating learned skills, as reflected in the documentation of the youth's behavior; and
 - (iv) has completed a community reintegration plan, approved by the multi-disciplinary team, that demonstrates the youth's:
 - (I) understanding of his/her risk and protective factors;
 - (II) development of skills, abilities, and knowledge to reduce risk factors and increase protective factors;
 - (III) identification of goals and a plan of action to achieve those goals; and
 - (IV) identification of obstacles that may hinder successful re-entry and plans to deal with those obstacles;
 - (D) participation in or completion of any statutorily required rehabilitation programming, including but not limited to:
 - (i) participation in a reading improvement program for identified youth to the extent required under [§380.9155](#) of this title;

- (ii) participation in a positive behavioral interventions and supports system to the extent required under [§380.9155](#) of this title; and
 - (iii) completion of at least 12 hours of a gang intervention education program, if required by court order; and
- (E) completion of:
 - (i) all but nine months of the sentence if the sentence expires before the minimum period of confinement or simultaneously with the minimum period of confinement; or
 - (ii) the entire minimum period of confinement if the sentence expires after the minimum period of confinement.
- (2) Youth are released to TJJD parole unless, at the time the youth meets program completion criteria, he/she is:
 - (A) within two months before his/her 19th birthday, if committed to TJJD on or after June 9, 2007, in which case the youth will be transferred to TDCJ-PD; or
 - (B) at least 19 years of age if committed to TJJD before June 9, 2007, in which case the youth will be transferred to TDCJ-PD.

(e) Release or Transfer Approval.

For sentenced offenders, the executive director or his/her designee is the final decision authority for release or transfer. The final decision authority will ensure that the youth meets all program completion criteria and that the community re-entry/transition plan adequately addresses risk before approving the release or transfer.

(f) Loss of Release or Transfer Eligibility.

- (1) Eligibility for release or transfer is lost when any of the following occurs after the exit interview:
 - (A) youth commits a major rule violation that is confirmed through a Level I or II due process hearing; or
 - (B) the youth's multi-disciplinary team determines that the youth no longer meets the required rehabilitation program criteria.
- (2) Except as described in paragraph (3) of this subsection, a youth who loses release or transfer eligibility will not be eligible for release or transfer until such time as the youth meets program completion criteria and a subsequent exit review/interview confirms eligibility.
- (3) If a youth is being considered for release or transfer nine months before his/her sentence completion and he/she loses eligibility for release or transfer, he/she will remain in high restriction until the sentence has expired.

(g) Release or Transfer Date.

- (1) TJJD holds the exit interview within 14 calendar days after the date a youth meets program completion criteria as set forth in this rule.
- (2) If the youth meets program completion criteria, the youth is:

- (A) released to TJJD parole within 60 calendar days after the date the youth met program completion criteria, unless the youth loses release eligibility in which case the release process is re-initiated when the youth meets program completion criteria; or
- (B) transferred to TDCJ parole on or before the youth's 19th birthday.

(h) **Notification.**

- (1) TJJD provides the committing juvenile court a copy of the youth's community re-entry/transition plan and a report concerning the youth's progress while committed to TJJD no later than 30 days before the date of the youth's release or discharge. Additionally, if on release the youth is placed in another state or a county other than a county served by the committing juvenile court, TJJD provides the community re-entry/transition plan and progress report to a juvenile court having jurisdiction over the county of the youth's residence.
- (2) TJJD notifies the following at least ten calendar days before the youth's release:
 - (A) the committing juvenile court;
 - (B) the prosecuting attorney;
 - (C) the youth's parole officer;
 - (D) the chief juvenile probation officer in the county to which the youth is being moved; and
 - (E) any entity that has issued an active warrant for the youth.

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- See [CMS.02.56](#) and [CMS.02.57](#) for procedures relating to the release process.
 - See [CMS.02.77](#) for procedures relating to release of youth with non-immigration detainers.
 - See [CMS.02.75](#) for procedures relating to release undocumented foreign nationals to parole.
 - See [CMS.02.62](#) for procedures relating to the 30-day report to the committing court (CCF-180).
 - See [CMS.02.63](#) for procedures relating to the 10-day release/transition notice (CCF-186).
 - See [CMS.03.11](#) for procedures relating to the gang intervention education program.
 - See [EDU.13.51](#) for procedures relating to participation in the reading program and Positive Behavioral Interventions and Supports system.